

## 10 *Official Opinions of the Compliance Board 71 (2016)*

- ◆ 1(B)(3) MEETING – DEFINITION NOT MET WHEN QUORUM DID NOT ATTEND
- ◆ 2(A) NOTICE, GENERALLY – WEBSITE NOTICE: PERMISSIBLE WHEN USED CONSISTENTLY

\*Topic numbers and headings correspond to those in the Opinions Index (2014 edition) at [https://www.oag.state.md.us/Opengov/Openmeetings/OMCB\\_Topical\\_Index.pdf](https://www.oag.state.md.us/Opengov/Openmeetings/OMCB_Topical_Index.pdf)

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June 30, 2016

Re: Board of Commissioners, Housing Authority of Prince George's  
County  
Sabrina B. Wear, Maryland Legal Aid, *Complainant*

Complainant Sabrina B. Wear of Maryland Legal Aid alleges that the Board of Commissioners of the Housing Authority of Prince George's County ("Board") violated the Open Meetings Act by failing to provide reasonable notice for four meetings in March and April 2016. The Authority denies the allegations.

We do not need to recite the applicable law at length because we did that when we addressed an earlier complaint brought by this Complainant against this public body. See 9 *OMCB Opinions* 273 (2015).<sup>1</sup> In brief, the Act requires that, before meeting, a public body "give reasonable advance notice." §§ 3-301, 3-302.<sup>2</sup>

1. *The March 10, 2016 meeting*

Complainant alleges that on March 10, 2016, the Board posted notices, at its offices, of a meeting to occur that day. The Board responds that the event was attended by one Board member, that the presence of one member does not create a quorum of the Board, and that Complainant attended. The Act applies when a public body "meets," and a public body "meets" when a

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<sup>1</sup> In 9 *OMCB Opinions* 178 (2014), the Authority conceded that it had not given timely notice, so we did not discuss the notice requirement in detail.

<sup>2</sup> Statutory citations are to the General Provisions Article of the Maryland Annotated Code (2014, with 2015 supp.).

quorum of the public body has convened to consider public business. §§ 3-301, 3-101(g). We find that the Act did not apply to this event.

*2. The March 17, 2016 meeting*

Complainant alleges that the Board gave inadequate notice of a meeting on March 17, 2016. The Board responds that only one Board member attended the event. As above, we find that the Act did not apply.

*3. The March 24, 2016 meeting*

Complainant alleges that the Board gave inadequate notice of a meeting on March 24, 2016. It appears from the response and the sign-in sheet that staff attended, but no Board member attended. The Board did not meet; the Act did not apply.

*4. The April 14, 2016 “Special Meeting”*

Complainant alleges that the Board gave inadequate notice of a meeting on April 14, 2016. She alleges that she attended the Board’s regular monthly meeting on March 28 and that “it was stated that a special meeting would be held around April 13, 2016 to vote on the [Authority’s] Annual Plan.” She states that she only learned of the April 14 meeting date by telephoning the Authority.

The response shows that on April 1, the Board posted notice of the April 14 meeting at its offices and elsewhere and had it published in the April 7 edition of the *Prince George’s Sentinel*, a weekly newspaper. The submissions as a whole also suggest that the Board routinely posts its notices at its offices and in the newspaper, methods that are explicitly permitted by § 3-302 (c), and, further, that Complainant has in the past seen notices posted that way. Those methods are permissible, and the Board used them in a timely way for this meeting. We note, however, that the Board also has an events calendar on its webpage on the Prince George’s County website. Seemingly, the Board’s meetings are posted there, or not, somewhat haphazardly. It is unclear whether the Board considers the events calendar as merely an optional method of giving public notice, but it seems clear to us that if a public body posts some meetings on a webpage, it should post all of them there. Otherwise, if a public body cannot keep its webpage accurate, it must tell the public where to look for consistently correct and complete information. We strongly encourage the Authority to take one of these steps.

In conclusion, we have found that the Act did not apply to three of the four meetings in question. As to the fourth, we have found, under these circumstances, that the Board provided reasonable notice by two of its usual methods and therefore did not violate the Act. However, it was a close call; the posting of some, but not all, meeting notices on a public body’s webpage

does not square well with the statute's goal of providing reasonable notice to the public.

Open Meetings Compliance Board

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